

## REMARKS

The following remarks and the above amendments are submitted to address all issues in this case, and to put this case in condition for allowance. New claims are added solely to better define the subject matter of the claimed invention. No new matter is added in these amendments. After the above amendment, application claims 8-15 are pending in the application. Application claim 8 is independent.

Applicants have studied the Office Action Mailed July 7, 2003 and have the following remarks. Applicants have chosen to distinguish the cited references from the instant claims in order to further prosecution, but specifically state that this in no way indicates that the Applicants admit the cited references are valid prior art and expressly reserve the right to eliminate a cited reference as prior art in the future.

Applicants further state that as the cited references may not be prior art, any narrowing of claims by this amendment, with regards to any reference later determined to not be prior art, are clearly not made by Applicants for a reason of patentability or to avoid prior art containing an equivalent, but are made purely to facilitate allowance of claims in an expedient manner.

### **35 U.S.C. §112**

Claims 1-7 have been cancelled in favor of new claims 8-15. Therefore, the Examiner's rejection for indefiniteness of claims 1-7 is moot. It is believed that claims 8-15 meet the requirements of the second paragraph of 35 U.S.C. §112 and the Examiner is respectfully requested to withdraw his rejection.

### 35 U.S.C. §102

#### Gallagher

The Examiner rejected the claims under 35 USC §102(a) as anticipated by Gallagher (6,317,924). Applicants respectfully traverse the rejection on the grounds that Gallagher fails to show: a pivot mechanism connecting the towing handle to a telescoping single-pole arm in a manner that allows the towing handle to be pivoted generally about a center-axis relative to the arm as required by independent claim 8.

The device in Gallagher rotates relative to a base which is either releaseably mounted to the luggage handle (as shown in the FIGS.) or rigidly or releasably mounted to the luggage (Col. 2, ll. 1-7). It is clear from FIG. 1 of Gallagher, that no portion between the base and the handle is telescoping. Further, it is clear that to attach to a telescoping handle, the base is attached to a horizontal portion extending between two arms (see FIG. 1). Therefore the handle does not and cannot rotate generally about the center-axis of a single-pole telescoping arm.

As all other claims depend from claim 8, Applicants therefore contend that new prosecution claims 8-15 are all allowable over Gallagher.

#### Lu '344

The Examiner rejected the claims under 35 U.S.C. §102(a) as anticipated by Lu '344 (6,508,344). Applicants respectfully traverse the rejection on the grounds that Lu '344 fails to show: a pivot mechanism connecting the towing handle to a telescoping single-pole arm in a manner that allows the towing handle to be pivoted generally about a center-axis relative to the arm as required by independent claim 8.

The handle in Lu '344 clearly rotates about an axis located between two different telescoping arms (see FIG. 6) and an axis connecting the two arms. It is quite clear that neither of these axes is generally the center-axis of a single-pole telescoping arm.

As all other claims depend from claim 8, Applicants therefore contend that new prosecution claims 8-15 are all allowable over Lu '344.

#### Lu '459

The Examiner rejected the claims under 35 U.S.C. §102(a) as anticipated by Lu '459 (6,530,459). Applicants respectfully traverse the rejection on the grounds that Lu '459 fails to show: a pivot mechanism connecting the towing handle to a telescoping single-pole arm in a manner that allows the towing handle to be pivoted generally about a center-axis relative to the arm as required by independent claim 8.

The handle in Lu '459 clearly rotates about an axis located between two different telescoping arms (see FIG. 6). It is quite clear that this axis is not generally the center-axis of a single-pole telescoping arm.

As all other claims depend from claim 8, Applicants therefore contend that new prosecution claims 8-15 are all allowable over Lu '459.

#### Chen

The Examiner rejected the claims under 35 U.S.C. §102(a) as anticipated by Chen (6,332,242). Applicants respectfully traverse the rejection on the grounds that Chen fails to show: a pivot mechanism connecting the towing handle to a telescoping single-pole arm in a

manner that allows the towing handle to be pivoted generally about said center-axis relative to the arm as required by independent claim 8.

The handle in Chen clearly rotates about an axis connecting two separate arms (FIG. 5 and 9). It is quite clear that this axis is not generally the center-axis of a single-pole telescoping arm. It is in fact generally perpendicular to the center-axis.

As all other claims depend from claim 8, Applicants therefore contend that new prosecution claims 8-15 are all allowable over Chen.

For these reasons, Applicants respectfully contend that the new prosecution claims 8-15 are not anticipated by any of the cited references and respectfully request the Examiner withdraw his rejection thereto.

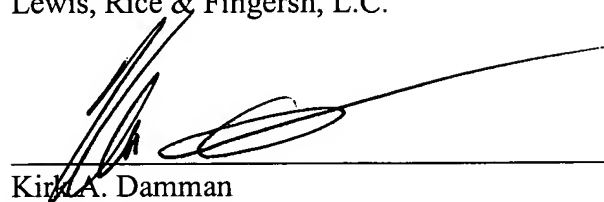
### **Conclusion**

In light of the above, Applicants respectfully request entrance of the above amendment and allowance of all pending claims so that this case can pass on to issue. As a final point, It is believed no fees are due in conjunction with this filing; however, if an extension of time is required, please consider this paragraph a petition for extension of time and the Commissioner is authorized to charge any fees including for any extension of time necessary for entering this amendment to/from our **Deposit Account No. 50-0975**.

If any questions remain, Applicants respectfully request a telephone call to the below-signed attorney at (314) 444-7783.

Respectfully submitted,  
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